

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application

Listing of Claims:

1. (Currently Amended) A method for ~~refinancing~~ obtaining capital for a real estate transaction for a real property, said method comprising:

(a) executing a conditional fee agreement with regards to obtaining refinancing a note on the real property, between a conditional fee purchaser and a conditional remainder purchaser, said conditional fee agreement having a determination date;

(b) executing a ~~refinancing~~ contract between said conditional fee purchaser, ~~and~~ said conditional remainder purchaser, and a ~~lender for third party for~~ the real property;

(c) providing payment to the third party for the real property ~~by the lender~~; and,

(d) transferring a fee simple interest in the real property to said conditional fee purchaser, said fee simple interest for a predetermined time, subject to the conditions of said agreement between said conditional fee purchaser and said conditional remainder purchaser.

2. (Currently Amended) The method of Claim 1, wherein said refinancing contract is based on the fair market value of the real property.

3. (Original) The method of Claim 1, wherein said conditional fee agreement comprises:

(a) said conditional remainder purchaser paying 68%-73% of the fair market value of the real property;

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(b) said conditional fee purchaser paying 30%-35% of the fair market value of the real property; and,

(c) conditions upon which said fee simple interest will automatically vest in said conditional remainder purchaser, prior to said determination date.

4. (Original) The method of Claim 3, wherein the conditions upon which said fee simple interest automatically vests in said conditional remainder purchaser comprise the group consisting of said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount less than the fair market value of the real property on the determination date, said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount above the fair market value of the real property at the date the conditional fee agreement goes into effect on said determination date, initiation of collection actions by the lender against said conditional fee purchaser, initiation of foreclosure action by the lender against said conditional fee purchaser, said conditional fee purchaser's failure to pay property taxes on the real property, said conditional fee purchaser's failure to maintain hazard insurance on the real property, said conditional fee purchaser's failure to maintain flood insurance, if applicable, on the real property, and combinations thereof.

5. (Currently Amended) The method of Claim 4 26, wherein the lender and said conditional remainder purchaser are the same entity.

6. (Currently Amended) The method of Claim 4 26, wherein the lender and said conditional remainder purchaser are different entities.

7. (Original) The method of Claim 1, wherein the price said conditional fee purchaser is to pay said conditional remainder purchaser on said determination date is a fixed price at the time of entering said conditional fee agreement.

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8. (Original) The method of Claim 1, wherein the determination date is between about 5 to about 7 years.

9. (Currently Amended) The method of Claim 1, wherein said ~~refinancing~~ contract includes a sum payable by said conditional fee purchaser and a sum payable by said conditional remainder purchaser.

10. (Currently Amended) A method for ~~refinancing~~ obtaining capital for a real estate transaction between a conditional fee purchaser and a conditional remainder purchaser, said method comprising:

(a) storing in a computer system information relating to said conditional fee purchaser, said conditional remainder purchaser, and said real estate transaction;

(b) negotiating and executing a conditional fee agreement with regards to ~~refinancing~~ obtaining capital for real property between said conditional fee purchaser and said conditional remainder purchaser, said conditional fee agreement having a determination date;

(c) storing information in the computer system relating to said conditional fee agreement;

(d) executing a ~~refinancing~~ contract between said conditional fee purchaser, said conditional remainder purchaser, and a ~~lender~~ third party for the real property;

(e) payment of 30%-35% of the fair market value of the real property by said conditional fee purchaser;

(f) payment of 68%-73% of the fair market value of the real property by said conditional remainder purchaser;

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(g) recording of the deed containing conditional fee language, after all closing requirements are met; and,

(h) receipt by said conditional remainder purchaser on said determination date of either a fee simple interest in the real property, or a payment for said conditional remainder purchaser's share of said fee simple interest by said conditional fee purchaser.

11. (Original) The method of Claim 10, wherein said conditional fee agreement includes conditions upon which said fee simple interest will automatically vest in said conditional remainder purchaser, prior to said determination date.

12. (Original) The method of Claim 11, wherein the conditions upon which said fee simple interest automatically vests in said conditional remainder purchaser comprise the group consisting of said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount less than the fair market value of the real property on the determination date, said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount above the fair market value of the real property at the date the conditional fee agreement goes into effect on said determination date, initiation of collection actions by the lender against said conditional fee purchaser, initiation of foreclosure action by the lender against said conditional fee purchaser, said conditional fee purchaser's failure to pay property taxes on the real property, said conditional fee purchaser's failure to maintain hazard insurance on the real property, said conditional fee purchaser's failure to maintain flood insurance, if applicable, on the real property, and combinations thereof.

13. (Currently Amended) The method of Claim 10 28, wherein said conditional remainder purchaser is the lender.

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14. (Original) The method of Claim 10, wherein the price said conditional fee purchaser is to pay said conditional remainder purchaser on said determination date is a fixed price at the time of entering said conditional fee agreement.

15. (Currently Amended) The method of Claim 10 28, wherein said method further comprises storing in a computer system information relating to the lender used by said conditional fee purchaser to refinance.

16. (Original) A method for investing in real property, wherein said investor is a conditional remainder purchaser, said method comprising said conditional remainder purchaser:

(a) identifying a third party who wishes to refinance a piece of real property, said third party to be known as a conditional fee purchaser;

(b) negotiating and executing a conditional fee agreement with said conditional fee purchaser, said conditional fee agreement having a determination date;

(c) executing a refinancing contract between said conditional remainder purchaser, said conditional fee purchaser, and a lender for the real property;

(d) ensuring a deed containing conditional fee language agreed to in said conditional fee agreement is recorded by the lender, after all closing requirements are met; and,

(e) receiving on said determination date either a fee simple interest in the real property from said conditional fee purchaser, or a payment for said conditional remainder purchaser's share of said fee simple interest by said conditional fee purchaser.

17. (Original) The method of Claim 16, wherein said conditional fee agreement comprises:

- (a) said conditional remainder purchaser providing 68%-73% of the fair market value of the real property;
- (b) said conditional remainder purchaser paying closing costs for the refinance of the real property;
- (c) said conditional fee purchaser providing 30% to 35% of the fair market value of the real property;
- (d) said determination date when said fee simple interest will rest in either said conditional fee purchaser or said conditional remainder purchaser; and,
- (e) conditions upon which said fee simple interest will automatically vest in said conditional remainder purchaser, prior to said determination date.

18. (Original) The method of Claim 17, wherein the conditions upon which said fee simple interest automatically vests in said conditional remainder purchaser comprise the group consisting of said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount less than the fair market value of the real property on the determination date, said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount above the fair market value of the real property at the date the conditional fee agreement goes into effect on said determination date, initiation of collection actions by the lender against said conditional fee purchaser, initiation of foreclosure action by the lender against said conditional fee purchaser, said conditional fee purchaser's failure to pay property taxes on the real property, said conditional fee purchaser's failure to maintain hazard insurance on the real property, said conditional fee purchaser's failure to maintain flood insurance, if applicable, on the real property, and combinations thereof.

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19. (Original) The method of Claim 16, wherein said conditional remainder purchaser is the lender in the refinancing contract for the real property.

20. (Original) The method of Claim 16, wherein the price said conditional remainder purchaser is to receive from said conditional fee purchaser on said determination date is a fixed price at the time of entering said conditional fee agreement.

21. (Original) A method for refinancing real property, wherein a homeowner is a conditional fee purchaser, said method comprising said conditional fee purchaser:

(a) identifying a third party who wishes to invest in real property, said third party to be known as a conditional remainder purchaser;

(b) negotiating and executing a conditional fee agreement with said conditional remainder purchaser, said conditional fee agreement having a determination date;

(c) executing a refinancing contract between said conditional fee purchaser, said conditional remainder purchaser, and a lender for refinancing a note on the real property;

(d) ensuring a deed containing conditional fee language agreed to in said conditional fee agreement is recorded by the lender, after all closing requirements are met; and,

(e) on said determination date, either giving a fee simple interest in the real property to said conditional remainder purchaser, or paying said conditional remainder purchaser for said conditional remainder purchaser's share of said fee simple interest.

22. (Original) The method of Claim 21, wherein said conditional fee agreement comprises:

(a) said conditional remainder purchaser providing 68%-73% of the fair market value of the property;

(b) said conditional remainder purchaser paying closing costs for the refinance of said real property;

(c) said conditional fee purchaser providing 30% -35% of the fair market value of the real property;

(d) said determination date when said fee simple interest will rest in either said conditional fee purchaser or said conditional remainder purchaser; and,

(e) conditions upon which said fee simple interest will automatically vest in said conditional remainder purchaser, prior to said determination date.

23. (Original) The method of Claim 22, wherein the conditions upon which said fee simple interest automatically vests in said conditional remainder purchaser comprise the group consisting of said conditional fee purchaser's failure to pay to said conditional remainder a fixed dollar amount less than the fair market value of the real property on the determination date, said conditional fee purchaser's failure to pay to said conditional remainder purchaser a fixed dollar amount above the fair market value of the real property at the date the conditional fee agreement goes into effect on said determination date, initiation of collection actions by the lender against said conditional fee purchaser, initiation of foreclosure action by the lender against said conditional fee purchaser, said conditional fee purchaser's failure to pay property taxes on the real property, said conditional fee purchaser's failure to maintain hazard insurance on the real property, said conditional fee purchaser's failure to maintain flood insurance, if applicable, on the real property, and combinations thereof.

24. (New) The method of Claim 1, wherein obtaining capital is selected from the group consisting of financing a sale of a piece of real property or refinancing a note on a piece of real property.

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25. (New) The method of Claim 1, wherein the contract is selected from the group consisting of a real estate sales contract or a refinancing contract.

26. (New) The method of Claim 1, wherein the third party is selected from the group consisting of a seller of a piece of real property or a lender.

27. (New) The method of Claim 10, wherein obtaining capital is selected from the group consisting of financing a sale of a piece of real property or refinancing a note on a piece of real property.

28. (New) The method of Claim 10, wherein the third party is selected from the group consisting of a seller of a piece of real property or a lender.